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1775

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF:

HUBERT MORICEAU ET AL

GROUP: 1775

SERIAL NO.:09/913,006

EXAMINER: SAVAGE, Jason L.

FILED: August 8, 2001

FOR: MULTILAYER STRUCTURE WITH CONTROLLED INTERNAL STRESSES  
AND METHOD FOR PRODUCING SUCH A STRUCTURE

AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

DEC 08 2003  
TC 1700

MAIL STOP NON-FEE AMENDMENTS

SIR:

This is in response to the outstanding official communication dated July 2, 2003.

Applicant respectfully requests that the period for response be extended for two months until December 2, 2003. All necessary fees in connection with this matter should be deducted from Deposit Account No. 01-1944.

The Examiner has once again rejected claims 1-24 based upon a "lack of unity" rejection as originally set forth in paper number 6. Applicant is confused by this rejection in that the application was filed with a Preliminary Amendment containing the clean copy of claims 1-24 to be substituted for the claims attached to the original application. Accordingly, the clean copy of claims 1-24 are the claims of record and it is irrelevant if a comparison between the original claims and the claims presented in the

Preliminary Amendment are not identical. There is no requirement that the claims submitted with a Preliminary Amendment must be identical to the claims attached to the originally filed application in a national filing.

Nevertheless, paragraph (c) in claim 1 as filed with the Preliminary Amendment corresponds to originally-filed claim 4. This may have caused some confusion but applicant explained this to the Examiner in a telephone discussion after receipt of the first Restriction Requirement. Accordingly, applicant is not sure of which claims the Examiner is examining since no basis exists for the Examiner to go back to the original claims which were replaced by the claims submitted with the Preliminary Amendment. At worst, there is a numbering problem in that claim 5 in the clean copy version was renumbered as claim 4.

Since the only claims pending are the claims submitted with the Preliminary Amendment which were substituted for the original claims, applicant will apply the Restriction Requirement to both for consistency. In accordance with applicant's earlier election, applicant elected group I drawn to the method claims 1-19 and 24 with claims 21-23 withdrawn.

Nevertheless, in view of the confusion and rejection of the method claims under 35 USC 102, applicant is herewith canceling all of the elected method claims and substituting a new set of method claims, starting with the number 25.